

ASSEMBLY BILL

No. 2299

Introduced by Assembly Member Bates

February 21, 2002

An act to amend Section 40254 of the Vehicle Code, relating to tolls.

LEGISLATIVE COUNSEL'S DIGEST

AB 2299, as introduced, Bates. Tolls: evasion.

Existing law makes the evasion of tolls on toll facilities subject to civil penalties governed by a specified procedure which includes an administrative investigation and review procedure and an administrative and judicial appeal process. If a vehicle is found to have evaded tolls, the agency responsible for enforcement must forward a specified notice of violation to the registered owner of the vehicle within 21 days of the violation.

This bill would instead require the responsible agency to forward the specified notice within 60 days of the violation.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 40254 of the Vehicle Code is amended
2 to read:
3 40254. (a) If a vehicle is found, by automated devices, by
4 visual observation, or otherwise, to have evaded tolls on any toll
5 road or toll bridge, and subdivision (d) of Section 40250 does not
6 apply, an issuing agency or a processing agency, as the case may
7 be, shall, within ~~21~~ 60 days of the violation, forward to the

1 registered owner a notice of toll evasion violation setting forth the
2 violation, including reference to the section violated, the
3 approximate time thereof, and the location where the violation
4 occurred. The notice of toll evasion violation shall also set forth
5 the following:

6 (1) The vehicle license plate number.

7 (2) If practicable, the registration expiration date and the make
8 of the vehicle.

9 (3) A clear and concise explanation of the procedures for
10 contesting the violation and appealing an adverse decision
11 pursuant to Sections 40255 and 40256.

12 (b) Once the authorized person has notified the processing
13 agency of a toll evasion violation, the processing agency shall
14 prepare and forward the notice of violation to the registered owner
15 of the vehicle cited for the violation. Any person, including the
16 authorized person and any member of the person's department or
17 agency, or any peace officer who, with intent to prejudice, damage,
18 or defraud, is found guilty of altering, concealing, modifying,
19 nullifying, or destroying, or causing to be altered, concealed,
20 modified, nullified, or destroyed, the face of the original or any
21 copy of a notice that was retained by the authorized person before
22 it is filed with the processing agency or with a person authorized
23 to receive the deposit of the toll evasion violation is guilty of a
24 misdemeanor.

25 (c) If, after a copy of the notice of toll evasion violation has
26 been sent to the registered owner, the issuing person determines
27 that, due to a failure of proof of apparent violation, the notice of
28 toll evasion violation should be dismissed, the issuing agency may
29 recommend, in writing, that the charges be dismissed. The
30 recommendation shall cite the reasons for the recommendation
31 and shall be filed with the processing agency.

32 (d) If the processing agency makes a finding that there are
33 grounds for dismissal, the notice of toll evasion violation shall be
34 canceled pursuant to Section 40255.

35 (e) Under no circumstances shall a personal relationship with
36 any law enforcement officer, public official, law enforcement
37 agency, processing agency or toll operating agency or entity be
38 grounds for dismissal of the violation.

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